

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS
OCT 08 2020
JAMES W. MCCORMACK, CLERK
By: *[Signature]* DEP. CLERK

UNITED STATES OF AMERICA)	No. 4:20CR 00302 BRW
)	
v.)	21 U.S.C. §§ 841(a)(1), 846
)	21 U.S.C. § 841(b)(1)(A)
)	18 U.S.C. § 922(g)(9)
EDUARDO MOCTEZUMA CUELLAR)	18 U.S.C. § 922(g)(5)(A)
JOSHUA DAVID CLINGAN)	
DEBORAH GAIL TERRY)	
FRANCISCO BERNAVE MORENO-OVIEDO)	
aka "PACO")	

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT 1

From April 2019 until on or about October 8, 2020, in the Eastern District of Arkansas and elsewhere, the defendants,

EDUARDO MOCTEZUMA CUELLAR,
JOSHUA DAVID CLINGAN,
DEBORAH GAIL TERRY, and
FRANCISCO BERNAVE MORENO-OVIEDO
aka "PACO,"

voluntarily and intentionally conspired with each other, and with others known and unknown to the grand jury, to knowingly and intentionally distribute and possess with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

All in violation of Title 21, United States Code, Section 846.

COUNT 2

On or about September 18, 2019, in the Eastern District of Arkansas, the defendant,

EDUARDO MOCTEZUMA CUELLAR,

who had knowingly been convicted of a misdemeanor crime of domestic violence, that is: battery third degree domestic abuse in the district court of Jacksonville, Arkansas, in Case Number CR-2013-0176655, knowingly possessed, in and affecting interstate commerce, one or more of the following firearms: one Vzor 70 semi-auto pistol, .380 caliber, bearing serial number 707314 and one Taurus semi-auto pistol, Model 1911, .45 ACP, bearing serial number NHR52663, said firearms having been shipped and transported in interstate commerce.

All in violation of Title 18, United States Code, Sections 922(g)(9).

COUNT 3

On or about October 25, 2019, in the Eastern District of Arkansas, the defendants,

JOSHUA DAVID CLINGAN and
DEBORAH GAIL TERRY,

knowingly and intentionally possessed with intent to distribute 50 grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT 4

On or about January 10, 2020, in the Eastern District of Arkansas, the defendant,

EDUARDO MOCTEZUMA CUELLAR,

who had previously and knowingly been convicted of a misdemeanor crime of domestic violence, that is: battery third degree domestic abuse in the district court of Jacksonville, Arkansas, in Case Number CR-2013-0176655, knowingly possessed, in and affecting interstate commerce, the following firearm: one F.I.E. Corporation "Titan" .25 caliber pistol, bearing serial

number D834571, said firearm having been shipped and transported in interstate commerce.

All in violation of Title 18, United States Code, Sections 922(g)(9).

COUNT 5

On or about February 21, 2020, in the Eastern District of Arkansas, the defendant,

FRANCISCO BERNAVE MORENO-OVIEDO,
aka "PACO,"

knowingly and intentionally distributed 50 grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT 6

On or about March 26, 2020, in the Eastern District of Arkansas, the defendant,

FRANCISCO BERNAVE MORENO-OVIEDO,
aka "PACO,"

knowingly and intentionally distributed 50 grams or more of methamphetamine (actual), a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT 7

On or about April 16, 2020, in the Eastern District of Arkansas, the defendant,

FRANCISCO BERNAVE MORENO-OVIEDO,
aka "PACO,"

then knowingly an alien illegally and unlawfully in the United States, knowingly possessed, in and affecting commerce, a firearm that is: a Glock .45 caliber pistol, bearing serial number BCDH123.

All in violation of Title 18, United States Code, Section 922(g)(5)(A).

FORFEITURE ALLEGATION ONE

Upon conviction of any of the crimes charged in Counts 1, 3, 5, and 6 of this Indictment, the defendants, EDUARDO MOCTEZUMA CUELLAR, JOSHUA DAVID CLINGAN, DEBORAH GAIL TERRY, and FRANCISCO BERNAVE MORENO-OVIEDO, aka “PACO,” shall forfeit to the United States, under Title 21, United States Code, Section 853(a)(1), all property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as a result of the offense.

FORFEITURE ALLEGATION TWO

Upon conviction of any of the crimes charged in Counts 1, 3, 5, and 6 of this Indictment, the defendants, EDUARDO MOCTEZUMA CUELLAR, JOSHUA DAVID CLINGAN, DEBORAH GAIL TERRY, and FRANCISCO BERNAVE MORENO-OVIEDO, aka “PACO,” shall forfeit to the United States, under Title 21, United States Code, Section 853(a)(2), all of the person’s property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offense.

FORFEITURE ALLEGATION THREE

Upon conviction of any of the crimes charged in Counts 1 through 7 of this Indictment, the defendants, EDUARDO MOCTEZUMA CUELLAR, JOSHUA DAVID CLINGAN, DEBORAH GAIL TERRY, and FRANCISCO BERNAVE MORENO-OVIEDO, aka “PACO,” shall forfeit to the United States, under Title 18, United States Code, Section 924(d), Title 21, United States Code, Section 853, and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of the offense.